

# Summary of Statutory and Regulatory Authorities for New Hampshire Water Protection Activities

|   | PROGRAM TYPE<br>ACTIVITY OR PROGRAM   | STATE STATUTORY AUTHORITY TITLE<br>& RSA NUMBER  | STATE RULES TITLE & NUMBER   | RELATED<br>FEDERAL<br>AUTHORITY <sup>1</sup> |
|---|---|--|--|--|
| Assessment                                  | DES <sup>1</sup> -Water Division<br>Water Use Registration and Reporting<br>Well Registration Program | Water Management 488<br>NH Water Well Board 482-B  | Water Use Registration and Reporting Env-Wq 2102<br>Water Well Board Rules We 100-1000             | -----<br>-----                               |
|   |   |  |  |  |
| Prevention                                  | DES – Water Division  |  |  |  |
|   | Ambient Groundwater Quality Standards   | Groundwater Protection Act 485-C   | Groundwater Discharge Permit & Registration Rules Env-Wq 402                                       | SDWA   |
|   | Beach Inspection Program  | Water Pollution and Waste Disposal 485-A:26  | Public Bathing Places Env-Wq 1100  | BEACH  |
|   | Clean Vessel Act Program  | Control of Marine Pollution & Aquatic Growth 487   |  | CVA  |
|   | Chemical Monitoring Waivers   | Safe Drinking Water Act 485  | Protocol for Monitoring Waiver Env-Dw 712*   | SWDA   |
|   | Coastal Program   | Multiple Authorities <sup>2</sup>  | Multiple Regulations <sup>3</sup>  | CZMA Sec. 307                                |
|   | Dams Program  | Dams, Mills, and Flowage 482   | Dam Rules Env-Wr 100-700   | -----  |
|   | Drinking Water Revolving Fund   | Aid to Public Water Systems 486-A  | Drinking Water State Revolving Loan Fund Program Env-Dw 1100                                       | SDWA   |
|   | Drought Management  | Emergency Management Act (Repealed) 107  | n/a  | -----  |
|   | Exotic Species Program  | Control of Marine Pollution and Aquatic Growth 487   | New Hampshire Clean Lakes Program Env-Wq 1300  | -----  |
|   | Groundwater Reclassification Program  | Groundwater Protection Act 485-C   | Groundwater Reclassification Rules Env-Dw 901  | SDWA   |
|   | Groundwater Discharge Permits Program   | Groundwater Protection Act 485-C   | Groundwater Discharge Permit & Registration Rules Env-Wq 402                                       | SDWA   |
|   | Instream Flow Program / Protected Rivers  | Rivers Management and Protection Program 483:9-c   | Rules for the Protection of Instream Flow Env-Wq 1900  | -----  |
|   | Laboratory Accreditation  | Safe Drinking Water Act 485  | Laboratory Accreditation Env-C 300   | SDWA   |
|   | Large Groundwater Withdrawal Program  | Groundwater Protection Act and Safe Drinking Water Act 485-C<br>485  | Large Groundwater Withdrawal Rules Env-Wq 403*   | SDWA   |
|   | New Community Well Siting Program   | Groundwater Protection Act 485   | Small and Large Production Wells Rules Env-Dw 301 & 302  | SDWA   |
|   | Bottled Water Source Siting Program   | Groundwater Protection Act 485   | Groundwater Sources of Bottled Water Rules Env-Dw 303  | SDWA   |
|   | Public Drinking Water Program (monitor, engineer, mgt.)   | Safe Drinking Water Act 485  | Public Water Supply Rules Env-Ws 300-394<br>Env-Dw 100-1100*<br>Env-Wq 300-2100*                   | SDWA   |
|   | Residuals Management Section  | Water Pollution and Waste Disposal 485-A   | Sludge Management & Septage Management Env-Wq 800 & 1600   | CWA  |
|   | Rivers Management and Protection Program  | Rivers Management and Protection Program 483:11  | Rivers Management & Protection Program Rules Env-Wq 1800   | -----  |
|   | Section 401 Water Quality Certification Program   | Water Pollution and Waste Disposal 485-A   | Surface Water Quality Regulations and Water Quality Certification Rules Env-Wq 1700<br>Env-Wq 302* | CWA<br>CWA                                   |
|   | Alteration of Terrain Program   | Water Pollution and Waste Disposal 485-A:17  | Alteration of Terrain Env-Wq 1500  | CWA  |
|   | Shoreland Protection Program  | Comprehensive Shoreland Protection Act 483-B:17  | Shoreland Protection Rules Env-Wq 1400   | -----  |
|   | State Water Pollution Control Revolving Loan Fund   | Aid to Municipalities for Water Pollution 486:14   | State Water Pollution Control Revolving Loan Fund Env-Wq 500                                       | CWA  |
|   | Stormwater Program  |  |  | CWA  |
|   | Subsurface Program (septic & subdivisions)  | Water Pollution and Waste Disposal 485-A: 29-44  | Subdivision and Individual Sewage Disposal System Design Rules Env-Wq 1000                         | CWA  |
|   | Surface Water Discharges (NPDES <sup>1</sup> )  | Water Pollution and Waste Disposal 485-A:13  | State Surface Water Discharge Permits Env-Wq 301*  | CWA  |
| Surface Water Diversion                     | Compliance with Water Quality Standards 485-A:12  | Surface Water Quality Regulations Env-Wq 1700  | -----  |  |
| Underground Injection Control (UIC) Program | Safe Drinking Water Act 485   | Groundwater Discharge Permit & Registration Rules Env-Wq 402<br>& Underground Injection Control Rule Env-Wq 404* | SDWA   |  |

\*New rule designation once rule is readopted.

|                     | <b>PROGRAM TYPE<br/>ACTIVITY OR PROGRAM</b>                   | <b>STATE STATUTORY AUTHORITY TITLE<br/>&amp; RSA NUMBER</b>            | <b>STATE RULES TITLE &amp; NUMBER</b>                         | <b>RELATED<br/>FEDERAL<br/>AUTHORITY<sup>1</sup></b> |
|---------------------|---|--|---|--|
| Prevention (cont'd) | Wastewater Treatment Program                                  | Water Pollution and Waste Disposal 485-A                               | Wastewater Treatment Rules Env-Wq700,305,303*                 | CWA  |
|                     | Water Conservation Program                                    | Safe Drinking Water Act 485:61   | Water Conservation Rules Env-Wq 2101                          | -----  |
|                     | Water Council   | Department of Environmental Services 21-O:7                            | Water Council Procedural Rules Env-WC 100 & 200               | -----  |
|                     | Watershed Rules (PWS <sup>1</sup> with surface water sources) | Safe Drinking Water Act 485  | Rules to Protect Purity of Regulated Watersheds Env-Dw 902*   | -----  |
|                     | Water Supply Land Grant Program                               | Aid to Public Water Systems 486-A                                      | Water Supply Land Grant Program Env-Dw 1002*                  | -----  |
|                     | Water System Regionalization/Contamination Investigation      | Aid to Public Water Systems 486-A                                      | Public Water Supply Grants Env-Dw 1001*                       | -----  |
|                     | Water System Security – Emergency Plans                       | Safe Drinking Water Act 485  | Emergency Plan for Community Water Systems Env-Dw 360.15*     | SDWA   |
|                     | Well Drillers   | NH Water Well Board 482-B  | Water Well Board Rules We 100-1000                            | -----  |
|                     | Wellhead Protection Program                                   | Groundwater Protection Act 485-C                                       | Best Management Practices for Groundwater Protect. Env-Wq 401 | SDWA   |
|                     | Wetlands Council  | Department of Environmental Services 21-O:5-a                          | Wetlands Council Procedural Rules Env-WtC 200                 | -----  |
|                     | Wetlands Program  | Fill and Dredge in Wetlands 482-A                                      | NH Wetlands Programs Rules Env-Wt 100-800                     | CWA, RHA   |
|                     | Winnepesaukee River Basin Program                             | Water Pollution and Waste Disposal 485-A:45 - 54                       | Winnepesaukee River Basin Program Rules Env-Wq 1200           | CWA  |
|                     | DES – Waste Management Division                               |  |   |  |
|                     | Hazardous Waste Compliance Program                            | Hazardous Waste Management Act 147-A                                   | Hazardous Waste Rules Env-Hw 100-1100*                        | RCRA, SARA,<br>& CERCLA                              |
|                     | Solid Waste Regulation  | Solid Waste Management Act 149-M                                       | Solid Waste Rules Env-Sw 100-2100                             | RCRA   |
|                     | Aboveground Storage Tank (AST) and Underground                | Oil Discharge or Spillage in Surface Water 146-A:11-c                  | Aboveground Petroleum Facilities Rules Env-Or 300* &          | RCRA   |
|                     | Storage Tank (UST) Programs                                   | Underground Storage Facilities 146-C:9                                 | Underground Storage Facilities Rules Env-Or 400*              | RCRA   |
|                     | Motor Vehicle Salvage Operations                              | Solid Waste Management Act 149-M:59, 60                                | Pending   | -----  |
|                     | Municipal Government Statutory Authority                      |  |   |  |
|                     | Drought-Water Use Restrictions                                | Restricting the Watering of Lawns 41:11:d                              | n/a n/a   | -----  |
|                     | Water Protection Assistance Program                           | Local Water Resources Management and Protection Plans 4-C:22 & 674     | n/a n/a   | -----  |
|                     | Water Protection Assistance Program                           | Regional Water Resources Management and Protection Plans 4-C:23 & 53-A | n/a n/a   | -----  |
|                     | Municipal Land Use Regulation                                 | Regulation of Subdivision of Land 674:36                               | n/a n/a   | -----  |
|                     |   | Site Plan Review Regulations 674:44                                    | n/a n/a   | -----  |
|                     |   | Zoning Ordinances 674 – 676  | n/a n/a   | -----  |
|                     |   | Nuisances; Toilets; Drains, Expectoration; Rubbish and Waste 147       | n/a n/a   | -----  |
|                     | Motor Vehicle Recycling Yards and Junk Yards                  | Auto Salvage Yard License 236:111-117                                  | n/a n/a   | -----  |
|                     | Public Utilities Commission                                   |  |   |  |
|                     | Public Utilities  | Water Companies, When Public Utilities 362:4                           | Rules for Water Service Puc 600                               | -----  |
|                     | Department of Safety  |  |   |  |
|                     | Homeland Security and Emergency Management                    | Flood, Drought, and Water Supply Disruption 21-P, 34-47                | n/a n/a   | -----  |
|                     | Office of Energy and Planning                                 |  |   |  |
|                     | Water Protection Assistance Program                           | Technical Assistance Program 4-C:19                                    | n/a n/a   | -----  |
|                     | Department of Agriculture                                     |  |   |  |
|                     | Division of Pesticide Control                                 | Insect Pests & Plant Disease 430:28-48                                 | Pesticide Control Rules Pes 100-1000                          | FIFRA  |

\*New rule designation once rule is readopted.

|            | PROGRAM TYPE<br>ACTIVITY OR PROGRAM  | STATE STATUTORY AUTHORITY TITLE<br>& RSA NUMBER  | STATE RULES TITLE & NUMBER   | RELATED<br>FEDERAL<br>AUTHORITY <sup>1</sup>              |
|------------|--|--|--|---|
|            | Department of Transportation<br>Well Replacement Program   | Administration of Transportation Laws 228:34<br>Private Water Supplies   | None -----   | -----   |
| Corrective | DES – Water Division<br>Shellfish Program  | Sanitary Production & Distribution of Food 143:21,21-a,63<br>Fish, Shellfish, Lobster and Crabs 211: 63-a<br>Water Pollution & Waste Disposal 485-A:8<br>n/a | n/a n/a n/a n/a  | -----<br>-----<br>-----<br>CWA                            |
|            | Total Maximum Daily Load Program   |  |  |   |
|            | DES – Waste Management Division<br>Fuel Oil Discharge Cleanup Fund<br>Groundwater Remediation Permitting | Fuel Oil Discharge Cleanup Fund 146-E<br>Groundwater Protection Act 485-C:13<br>Brownfields Program 147-F  | Petroleum Release Compensation Rules Odb 100-400<br>Groundwater Release Detection Permit Rules Env-Or 700<br>Brownfields Program Under RSA 147-F Env-Or 800<br>Contaminated Site Management Env-Or 600<br>Hazardous Waste Rules Env-Hw 100-1100* | -----<br>SDWA<br>-----<br>SDWA<br>RCRA, SARA,<br>& CERCLA |
|            | Hazardous Waste Emergency Response   | Hazardous Waste Management 147-A<br>Hazardous Waste Cleanup Fund 147-B   |  |   |
|            | Leaking Petroleum Storage Tanks  | Oil Discharge and Disposal Cleanup Fund 146-D<br>Oil Spillage & Discharge in Public Waters 146-A,C,& D   | Petroleum Release Compensation Rules Odb 100-400   | -----<br>OPA-1990, CWA<br>RCRA                            |
|            | Municipal Solid Waste Landfill Closures  | Solid Waste Management 149-M   | Solid Waste Rules Env-Sw 100-2100  |   |
|            | Oil Spill Emergency Response   | Oil Discharge or Spillage in Surface Water 146-A<br>or Groundwater   |  | OPA-1990, &<br>CWA<br>RCRA                                |
|            | RCRA C (Hazardous Waste) Corrective Actions  | Hazardous Waste Cleanup Fund 147-B<br>Hazardous Waste Management 147-A   | Hazardous Waste Rules Env-Hw 100-1100*   |   |
|            | Superfund Corrective Action Program  | Hazardous Waste Cleanup Fund 147-B   | Hazardous Waste Rules Env-Hw 100-1100*   | SARA, &<br>CERCLA   |

See footnotes on the following page.

|   |  |   |
|---|--|---|
| <b>1. Program Type and Federal Acronyms</b><br>BEACH – Beaches Environmental Assessment & Coastal Act<br>CERCLA – Comprehensive Environmental Restoration & Compensation Liability Act<br>CVA – Clean Vessel Act<br>CWA - Clean Water Act<br>CZMA – Coastal Management Act of 1972<br>DES – Department of Environmental Services<br>FIFRA – Federal Insecticide Fungicide & Rodenticide Act<br>NPDES – National Pollutant Discharge Elimination System<br>OPA – Oil Pollution Act<br>PWS – Public Water Supplies<br>RCRA – Resource Conservation and Recovery Act<br>RHA – Rivers & Harbors Act of 1899<br>SARA – Superfund Amendment and Reauthorization<br>SDWA – Safe Drinking Water Act | <b>2. Coastal Program State Statutory Authorities</b><br>Powers of the Governor and Council in Certain Cases (By Purchase)RSA 4:29<br>Department of Resources and Economic Development RSA 12-A<br>Mining and Reclamation RSA 12-E<br>Pease Development Authority RSA 12-G<br>Department of Environmental Services (Wetlands Council) RSA 21-O:5-a<br>Forest Conservation and Taxation (Notice of Intent to Cut) RSA 79:10<br>Air Pollution Control RSA 125-C<br>Acid Rain Control Act RSA 125-D<br>Sanitary Production and Distribution of Food (State Shellfish Sanitation Control Authorities) RSA143:21-a<br>Oil Discharge or Spillage in Surface Water or Groundwater RSA 146-A<br>Nuisances; Toilets; Drains; Expectoant; Rubbish and Waste (Removal Notice) RSA 147:4<br>Hazardous Waste Management Program RSA 147-A<br>Council on Resources and Development RSA 162-C<br>Energy Facility Evaluation, Siting, Construction and Operation RSA 162-H<br>Fish and Game Commission RSA 206<br>General Provisions as to Fish and Game (Enforcement of Laws) RSA 207:54<br>Endangered Species Conservation Act RSA 212-A<br>Fish, Shellfish, Lobsters, and Crabs RSA 211<br>Licenses (State Migratory Waterfowl License Required) RSA 214:1-d<br>Expansion of State Park System RSA 216-A<br>NH Native Plant Protection RSA 217-A<br>Historic Preservation RSA 227-C<br>Policy, Definitions, and Administration RSA 227-G<br>Public Forest Lands: Management, Acquisition and Lost Taxes RSA 227-H<br>Forest Resources, Education, Promotion and Planning RSA 227-I<br>Timber Harvesting RSA 227-J<br>Forest Health RSA 227-K<br>Woodland Fire Control RSA 227-L<br>State Highways RSA 230<br>Access to Public Waters RSA 233-A<br>Supervision of Navigation; Registration of Boats and Motors; Common Carriers by Water (Toilet Facilities Required) RSA 270:72-a<br>Boating and Water Safety on NH Public Water RSA 270-D<br>Pilots, Harbor Masters, and Public Waters RSA 271<br>Insect Pests and Plant Diseases RSA 430<br>Soil Conditioners RSA 431<br>Soil Conservation and Farmland Preservation (Nuisance Liability of Agricultural Operations) RSA 432:34<br>Fill and Dredge in Wetlands RSA 482-A<br>New Hampshire Rivers Mgmt & Protection Program RSA 483<br>Comprehensive Shoreland Protection Act RSA 483-B<br>NH Safe Drinking Water Act RSA 485<br>Water Pollution & Waste Disposal RSA 485-A<br>Groundwater Protection Act RSA 485-C<br>Control of Marine Pollution and Aquatic Growth RSA 487<br>Local and Land Use Planning and Regulatory Powers RSA 674 | <b>3. Coastal Program State Regulations</b><br>NH Drinking Water Rules Env-Dw 300-1100*<br>Alteration of Terrain Env-Wq 1500<br>Groundwater Reclassification Env-Dw 901<br>Best Management Practices Env-Wq 401<br>Subdivision & Individual Sewage Disposal System Design Rules Env-Wq 1000<br>NH Wetlands Programs Rules Env-Wt 100-800<br>Administrative Fines Env-C 600<br>Dumping of Fish Fis 602.04<br>Pesticide Control Rules Pes 100-1000<br>Pease Development Authority Pda 100-700<br>Administrative Rules<br>Wood Processing Rules Res 5200-5800<br>Natural Heritage Inventory Program Res 1100 |
|---|--|---|